



**Federal Communications Commission
Washington, D.C. 20554**

November 18, 2010

In Reply Refer to:
1800B3-JSP

Mr. Steven Valentino
101 Brookvine Circle
Chico, CA 95973

Mr. Alan Korn, Esq.
Law Office of Alan Korn
1840 Woolsey Street
Berkeley, CA 94703

In re: New NCE (FM), Willows, CA
Associated Students of California State
University
Facility ID No. 175198
File No. BNPED-20071019AZP

Application for Review

Dear Gentlemen:

We are in receipt of the pleading, styled as an "Application for Review," filed by Mr. Steven Valentino on June 30, 2010, requesting review of a January 21, 2010, action by the Assistant Chief, Audio Division, Media Bureau ("Staff Decision"), dismissing an application ("Application") filed by the Associated Students of California State University ("ASCSU") for a new non-commercial educational ("NCE") FM station at Willows, California. For the reasons set forth below, we dismiss the Application for Review.

ASCSU filed its Application during a filing window for NCE FM applications in October 2007. The Application was deemed defective and unacceptable for filing due to the prohibited overlap between the protected contour of the proposed ASCSU station and the interfering contour of nearby Station KKTO(FM), Tahoe City, CA, in violation of Section 73.509 of the Commission's Rules ("Rules").¹ The Application was therefore dismissed on January 21, 2010.² A petition for reconsideration or an application for review of action taken pursuant to designated authority must be filed within thirty (30) days of public notice of such action.³ In this case, public notice of the dismissal of the Application was published on January 27, 2010,⁴ making petitions for reconsideration and applications for review due by February 28, 2010. ASCSU did not seek reconsideration or review, and the dismissal became final on that date.⁵ The Application for Review, received on June 30, 2010, is therefore subject to dismissal as untimely.⁶

¹ See 47 C.F.R. § 73.509.

² Letter to Associated Students of California State University (Assistant Chief, Audio Division, Media Bureau, Jan. 21, 2010).

³ 47 C.F.R. §§ 1.106(f), 1.115(d).

⁴ Broadcast Actions, Public Notice, Report No. 47160 (Jan. 27, 2010).

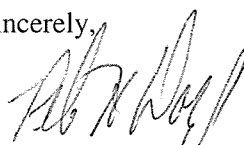
⁵ The Application for Review states that Common Frequency, a third party, submitted a "timely response" to the dismissal. The Commission has no record of receiving any such pleading.

⁶ See, e.g., Board of Education of the City of Atlanta, Letter, 11 FCC Rcd 7763, 7765-66 (1996) (Commission dismisses as untimely application for review filed one day late); Hurricane Bible Church, Letter, 21 FCC Rcd 1425,

Furthermore, Section 1.115(a) of the Rules specifies that any person filing an application for review who has not previously participated in the proceeding shall include a statement describing *with particularity* the manner in which it is aggrieved by the action and showing good reason why it was not possible to participate in the earlier stages of the proceeding.⁷ This Rule stipulates that any application for review failing to make these showings will be dismissed.⁸ Mr. Valentino has made no attempt to make either such showing. As such, his Application for Review is subject to dismissal on this basis as well.

In sum, we find that the Application for Review is untimely pursuant to Section 1.115(d) of the Rules and fails to establish that Mr. Valentino has met the requirements of Section 1.115(a) of the Rules. Accordingly, IT IS ORDERED that the Application for Review filed by Mr. Steven Valentino on June 30, 2010, IS DISMISSED.⁹

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Associated Students of California State University

1426 (MB 2006) (staff dismisses as untimely application for review filed ten days late).

⁷ 47 C.F.R. § 1.115(a).

⁸ *Id.*

⁹ Although addressed to the full Commission, the staff may dismiss an application for review with obvious procedural defects. See *Garnerlynn Communications*, Memorandum Opinion and Order, 99 FCC 2d 1176, 1177 n.2 (1984).